

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicants: **ROBERT GIEHRL,
ET AL.**

Serial No.: 10/526,161

Title: METHOD, DEVICE AND
SYSTEM FOR DISPLAYING
DATA OF A MACHINE
CONTROL SYSTEM

Filed: AUGUST 21, 2003

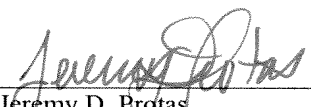
Group Art Unit: 2121

Examiner: THOMAS H. STEVENS

) I hereby certify that this paper is transmitted via the
) Office electronic filing system in accordance with §
) 1.6(a)(4), addressed to:

) Mail Stop Appeal Brief - Patents
) Commissioner for Patents
) P.O. Box 1450
) Alexandria, VA 22313-1450

) on this date **March 17, 2008**
)

) 
) _____
) Jeremy D. Protas
) Reg. No. 61,681
) Attorney for Applicant & Assignee

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notification of Non-Compliant Appeal brief mailed February 27, 2008, and to the Notice of Appeal filed December 13, 2007, in connection with the above-identified patent application, Appellants respectfully submit a replacement "Summary of the Claimed Subject Matter" section, as required by 37 C.F.R. § 41.37(d) and M.P.E.P. § 1205.03, in support of the Appeal Brief filed February 11, 2008. Appellants previously paid the appropriate \$510 fee for the Appeal Brief, pursuant to 37 C.F.R. §41.20(b)(2), by credit card. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 under Attorney Docket 30051/41004.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Although specification citations are inserted below in accordance with 37 C.F.R. § 41.37(c)(1)(v), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to the examples in the specification. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology, as is done here to comply with 37 C.F.R. § 41.37(c)(1)(v), does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

Unless otherwise specified, all citations to the specification refer both, by paragraph number, to the specification as published in U.S. Patent Application Publication No. US 2006/0149397 A1 (a copy of which is attached as Exhibit A) and, by page and line number, to the originally-filed specification.

With reference to Figs. 1, 5, and 6-8, independent claim 1 is directed to a method (Fig. 5) for displaying status data (61) of a machine control system (1). The method comprises the steps of receiving status data (step 52) for at least one element of the machine control system (1), the status data representing at least one physical state variable (paragraph [0042]; page 7, line 29, to page 8, line 1) and representing (step 53) a circuit diagram (Figs. 6-8) and status data (61, 71, 81), the circuit diagram indicating, at least for the element (62-67, 74-75, 82-85), the electrical connection of the element in the system (paragraph [0042];

page 8, lines 1-3), and the status data being represented in the circuit diagram (paragraph [0042]; page 8, lines 1-3).

Independent claim 21 is directed to a device for displaying data of a machine control system. The device (Fig. 2) comprises receiving means (for receiving status data for at least one element of the machine control system, the status data representing at least one physical state variable) and representing means (for representing the status data which have been received for the element (62-67, 74-75, 82-85) and for representing a circuit diagram (Figs. 6-8) which displays, at least for the element, the electrical connection of the element to other individual elements (62-67, 74-75, 82-85) in the system (1), and on which to display the status data). The receiving means includes an interface unit (27) of the device (paragraphs [0029]-[0030]; page 5, lines 12-15) providing a wireless and/or hard-wired connection to the machine control system (1) (paragraph [0032]; page 5, lines 26-27). The representing means include a user output unit (25), usually in the form of a monitor (18) (paragraph [0029], page 5, lines 11-12), but alternatively (or additionally) in the form of a loudspeaker, a printer, etc. (paragraph [0033]; page 6, lines 7-8).

Independent claim 23 is directed to a system comprising a device in combination with a machine control system. The device (Fig. 2) is adapted to display data of the machine control system (1). The device (Fig. 2) comprises receiving means (for receiving status data for at least one element of the machine control system, the status data representing at least one physical state variable) and representing means (for representing the status data which have been received for the element (62-67, 74-75, 82-85) and for representing a circuit diagram (Figs. 6-8) which displays, at least for the element, the electrical connection of the element to other individual elements (62-67, 74-75, 82-85) in the system (1), and on which to display the status data). The receiving means includes an interface unit (27) of the device (paragraphs [0029]-[0030]; page 5, lines 12-15) providing a wireless and/or hard-wired

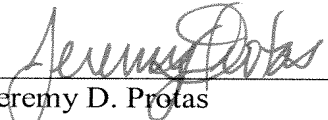
connection to the machine control system (1) (paragraph [0032]; page 5, lines 26-27). The representing means include a user output unit (25), usually in the form of a monitor (18) (paragraph [0029], page 5, lines 11-12), but alternatively (or additionally) in the form of a loudspeaker, a printer, etc. (paragraph [0033]; page 6, lines 7-8).

CONCLUSION

In view of the current submission, it is respectfully submitted that the present application is in condition for review by the Board, that each of claims 1-9 and 13-23 is patentable over Welch, and that all of the pending claims should be allowed.

Respectfully submitted,

DATED: March 17, 2008 By:



Jeremy D. Protas
Attorney for Applicant & Assignee
Registration No. 61,681
Marshall, Gerstein & Borun LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, Illinois 60606-6357
Tel.: (312) 474-6300
Fax: (312) 474-0448